



08Jul09

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Igor Lvovich SKRYABIN, George PHANI, Sylvia
Medlyn TULLOCH, Graeme Leslie EVANS and
Serial no. : Ben JAUSNIK
Confirmation No. : 10/577,971
Filed : with an effective filing date of November 3, 2004
For : MULTILAYERED PHOTOVOLTAIC DEVICE ON
ENVELOPE SURFACE
Group Art Unit :
Examiner :
Docket : ADAPLU P03AUS (formerly GRIHAC P47AUS)

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RENEWED PETITION UNDER 37CFR 1.47(a)

Dear Sir:

[XXX] NO FEES ARE PAYABLE WITH RESPECT TO THIS RESPONSE.

In response to the Decision on Petition mailed May 12, 2009, the Applicant is filing a Renewed Petition Under 37CFR 1.47(a) concerning the above identified application. In the May 12, 2009 Decision, the Applicant notes that item (4) of the Petition under 37 CFR 1.47(a) remains unsatisfied.

As previously noted, the Applicant's Australian representative, Lorne Wood-Roe, sent a registered letter on December 19, 2008 to non-signing inventor Igor Skryabin which enclosed a Supplemental Declaration and Power of Attorney form which listed all four inventors, namely, Igor Lvovich SKRYABIN, George PHANI, Sylvia Medlyn TULLOCH, Graeme Leslie EVANS and Ben JAUSNIK.

That Supplemental Declaration was eventually signed by inventor Igor Lvovich SKRYABIN and returned to Lorne Wood-Roe, the Applicant's Australian representative, for filing with the United States Patent and Trademark Office. However, it appears that Igor Lvovich SKRYABIN, in an effort to attach 5 additional pages to the Supplemental Declaration, may have inadvertently failed to include page three of the Supplemental Declaration--this is substantiated by the fact that inventor Igor Lvovich SKRYABIN previously signed a prior Declaration and Power of Attorney form on April 23, 2009 which acknowledged that there was

four inventors with respect to the above identified application. The enclosed originally signed Supplemental Declaration includes missing page three which was previously forward to inventor Igor Lvovich SKRYABIN but apparently not returned.

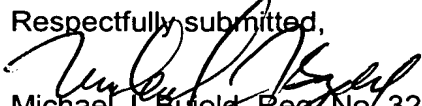
It is noted that in the 5 additional pages, attached to Igor Lvovich SKRYABIN's signed Supplemental Declaration, Igor Lvovich SKRYABIN is inquiring about the inventive contribution of one of the inventors. Notwithstanding this, it is to be noted that the remaining three inventors have already signed a Declaration and Power of Attorney acknowledging that there are four inventors concerning this subject matter, namely, Igor Lvovich SKRYABIN, George PHANI, Sylvia Medlyn TULLOCH, Graeme Leslie EVANS and Ben JAUSNIK.

In view of the forgoing, it is quite apparent that Igor Lvovich SKRYABIN is well aware of the need to submit the Supplemental Declaration concerning this case and he either mistakenly did not return page 3 of the Supplemental Declaration or intentionally did not return the same because he disagrees with the named inventors of this subject matter. In view of this, the Applicant respectfully requests that the United States Patent and Trademark Office please either accept the enclosed signed Supplemental Declaration, which now includes missing page 3, or confirm that inventor Igor Lvovich SKRYABIN refuses to sign the Supplemental Declaration because he disagrees with the indicated inventorship of the above identified application so that this application may undergo examination at an early date.

No fee(s) is believed payable in view of this submission. If any further action is required on behalf of the Applicant so that this Renewed Petition Under 37 CFR 1.47(a) can be granted and this application can undergo substantive examination, please contact the undersigned to expedite the handling thereof. In view of the foregoing, the Applicant respectfully requests favorable reconsideration and granting of this Renewed Petition Under 37 CFR 1.47(a).

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com



ADAPLU P03AUS

DECLARATION

(Original, Design, National Stage of PCT, Supplemental)

As the below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design
- ☒ supplemental
- ☐ National Stage of PCT
- ☐ divisional (see added page)
- ☐ continuation (see added page)
- ☐ continuation-in-part (see added page)

INVENTORSHIP IDENTIFICATION

My/our residence, post office address and citizenship is/are as stated below next to my/our name. I/We believe that the named inventor or inventors listed below is/are the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

MULTILAYERED PHOTOVOLTAIC DEVICE ON ENVELOPE SURFACE

SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on _____ with an effective filing date of November 3, 2004
_____ as
☒ Serial No. 10/577,971 or
☐ Express Mail No. _____ as Serial No. (not yet known) and
was amended on _____ (if applicable).- (c) ☐ was described and
and as amended under PCT Article 19 on _____
(if any).- (d) ☐ amended on _____



ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

PRIORITY CLAIM

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Australian	2003906026	November 3, 2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Australian	2003906361	November 19, 2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Australian	2004903440	June 24, 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Australian	2004905662	September 24, 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

☐ I/We hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

DECLARATION

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor: Igor Lvovich SKRYABIN *

Inventor's signature: [Signature] Date: 17 January 2009

Post Office Address: 76 Schlich Street, Yarralumla, ACT 2600, Australia

Residence: Same as Above Country of Citizenship: AU

* This declaration is accompanied by an attached statement consisting of 5 pages

Full name of second joint inventor: George PHANI

Inventor's signature: _____ Date: _____

Post Office Address: _____

Residence: _____ Country of Citizenship: _____

Full name of third joint inventor: Sylvia Medlyn TULLOCH

Inventor's signature: _____ Date: _____

Post Office Address: _____

Residence: _____ Country of Citizenship: _____

Full name of fourth joint inventor: Graeme Leslie EVANS

Inventor's signature: _____ Date: _____

Post Office Address: _____

Residence: _____ Country of Citizenship: _____

Full name of fifth joint inventor: Ben JAUSNIK

Inventor's signature: _____ Date: _____

Post Office Address: _____

Residence: _____ Country of Citizenship: _____



Write Patent Application of
Application No
Int. Filing Date:
For:

Skryabin et al
10/577,971
03 November 2004
Multilayered photovoltaic device on
envelope surface

17 January 2009

The Commissioner for Patents
US Patents and Trademarks Office
PO Box 1450
Alexandria, VA 22313 -1450

Dear Sir or Madam:

This statement is to clarify some matters in relation to the execution of the inventor's declaration.

My declaration does not include or imply granting a power of attorney in favor of Mr. Michael J. Bujold, of Davis, Bujold and Daniels.

My declaration also does not include or imply granting a power of attorney in favor of Mr. Wood-Roe, currently of Adams Pluck.

The reasons were presented in my emailed letter of 23 April 2008 to Mr. Bujold in which, as an inventor and an assignee, I asked Mr. Bujold to file the letter along with the declaration. My email to Mr. Bujold of 23 April 08 follows.

Dr. Igor Skryabin
76 Schlich St
Yarralumla
ACT 2600
Ph: 61 2 62828487
Email (preferred): iskryabin@gmail.com

Igor Skryabin

From: Igor Skryabin [iskryabin@gmail.com]
Sent: Wednesday, 23 April 2008 1:36 PM
To: 'Mike Bujold'
Subject: RE: US Patent Appln. No 10/577,971/ Your letter of 11 April 2008, your ref: ADAPLU PO3 AUS
Attachments: Bujold 23 Apr08 envelope.pdf; Declaration envelope signed 23 Apr08.pdf

Dear Mr. Bujold,

Further to my previous email I attach a copy of a declaration and a statement , which I request you to file in relation to the abovementioned patent application

Yours truly,

Igor Skryabin

Dr Igor Skryabin
76 Schlich St
Yarralumla ACT 2600

23 April 2008

Michael J Bujold
Davis & Bujold, PLLC
112 Pleasant Street,
Concord, New Hampshire,
USA, 0331-2931

RE: Igor Lvovich Skryabin et al
US Patent Appln. No 10/577,971
Multilayered photovoltaic device on envelope surface
Your Ref: ADAPLU PO3 AUS

Dear Sir,

I am in receipt of your letter of 11 April 2008. I confirm that I am unable to give power of attorney for the reasons explained in the statement below.

Further, as you would appreciate, prior to signing a declaration I, as an inventor, need to ensure that all documents that I reviewed are correct to the best of my knowledge. For some time I have been asking Ms. Sylvia Tulloch, who is named an inventor on the application, and Dyesol Ltd and Sustainable Technologies International Pty Ltd (now Dyesol Industries Pty Ltd) to provide information in relation to Ms. Sylvia Tulloch's inventive contribution. On 22 April, Freehills lawyers, acting for Dyesol Ltd and Dyesol Industries Pty Ltd, informed me that their client "has satisfied itself that the inventors are correctly named on the relevant patent applications". I understand that the "inventors" include Ms. Sylvia Tulloch. Notwithstanding that I had asked for and would have preferred some details of her inventive contribution I consider, based on the statement provided by Freehills, that this obstacle to executing my declaration is now removed.

The reasons for not executing the power attorney are as follows:

1. In a number of letters sent to your firm I requested that you prevent any misrepresentation of my position, as regards the USPTO, from arising. You, however, selected to disregard my requests.
2. In relation to US Patent Application No 10/570,530, Skryabin et.al, Combined photoelectrochemical cell and capacitor:
Notwithstanding my requests and without informing me, your firm filed an incorrect statement of facts in relation to US Patent application No 10/570,530. This statement of facts prepared by the Australian Patent attorney Mr. Lorne Wood-Roes on request of Sustainable Technologies International Pty Ltd (now Dyesol Industries Pty Ltd) contained statements wrong in fact and disparaged my name. In particular, it was stated that:
 - a. Igor Skryabin was dismissed from the Assignee Company Sustainable Technologies International Pty Ltd (STI) in about November 2005 due to unacceptable work performance
 - b. Igor Skryabin was an in-house intellectual property officer.In relation to item 2.a: I explained that I was not dismissed either by STI or Dyesol and that at no time was my work performance unacceptable. Further, by allowing such statement, your clients Dyesol Ltd and Dyesol Industries Pty Ltd breached the terms of my deed with them.

In relation to item 2b: The duties of assisting the company in preparing and filing patent applications were but a part of my responsibilities. As the Technical Manager and Technical Executive of STI I was responsible for the development of Dye Solar Cell technology. Up to date I received no apology from you or your clients Dyesol Ltd and Dyesol Industries Pty Ltd. Further, no statement was filed by you or your clients to rectify all the mistakes in the statement of facts filed in relation to US Patent Application No 10//570,530.

3. I and my solicitors diligently attempted to resolve the matter with Dyesol Ltd during approximately 2 years now. It may appear from the past conduct of your firm and Dyesol Ltd that, instead of addressing the issues, there were attempts to create a sufficient, in the view of your client, substance for a USPTO petition. In other words, your firm and your client appeared to be acting in a manner calculated to create a 'dispute', build up costs and to then use the costs as a threat in a subsequent round of discussions.
4. In relation to US Patent Application No 10/583,121, Skryabin et al, Method for electrochemical engineering of nanoparticulate layers:
In your petition filed on October 15, 2007, among other things, you failed to correctly clarify "the disagreements between the parties", in particular, you failed to acknowledge that Dyesol Ltd was in receipt of my offer of September 18, 2007, in which I agreed to sign all required patent documents, if Dyesol Ltd releases me from all costs which it may allege against me in relation to those patents. This was important since, as explained in the item 4 above, Dyesol Ltd are attempting to make me responsible for their alleged additional costs in relation to prosecution of the US patent applications. Further, you took liberty in not including important documents that I attached to a letter you used to justify your statement.
5. In relation to US Patent Application No 11/629,723, Skryabin et.al, Photovoltaic module with full utilisation of surface area:
On 20 Feb 08 you sent me a letter, in which you offered to answer my inquiries. I called you and sent a number of emails (included below) in yet another attempt to resolve the issues. You responded to none.

12 March 08, to: 'mbujold@davisandbujold.com'

Dear Michael,

I refer to my email of 5 March 2008 and to our telephone conversation on the same day. Still, I have not received the information I asked for from you and I have not received anything from Ms. Tulloch. You mentioned that the deadline for the submission of the documents to the USPTO is quickly approaching. Could you please let me know the date? I am sure you would appreciate that in the circumstances when there were incorrect statements in the previous petitions submitted by your firm to the USPTO, I am unable to give you a power of attorney unless these statements are corrected to represent actual facts of this matter. I accept, however, if there is a pressure of time, that we at least commence the process of such correction in a good faith; receiving copies of your previous petitions is an essential part of this.

I look forward to receiving your reply. In case of urgency I could send the documents to you or directly to the USPTO by couriers, fax or by any other available means in order to meet the USPTO deadline.

Best regards, Igor

Dr. Igor Skryabin

76 Schlich St, Yarralumla, ACT 2600

Australia

Tel: 61 2 62828487

Cell: 61 414721434

5 March 2008, to: 'mbujold@davisandbujold.com'

Dear Michael,

Following our telephone conversation today I confirm that I am waiting for a response from Dyesol (some time ago I contacted Mr. Richard Caldwell, the company's Chairman; he expressed a willingness to discuss, but yet to come back to me with the date of the meeting) and from Sylvia Tulloch (named an inventor on the application). As discussed, I have always been willing to quickly proceed with the matter, it is a subject to a few clarifications in relation to the patent, and I am actively seeking these from Dyesol. I am unsure how I can speed up this process.

Unfortunately, as it became apparent, you were not informed about this. Sadly, this resulted in inaccurate presentations of facts in your petitions to the USPTO.

I confirm that in any case I shall send you my formal reply by 15 March 08. In a meantime, please copy to me your previous petitions to the USPTO as requested in my email of 3 March 2008.

Best regards, Igor

3 March 2008, to : 'mbujold@davisandbujold.com'

Dear Mr. Bujold,

In relation to your letter of 20 February 2008, I am awaiting for clarification regarding inventorship from Ms. Sylvia Tulloch, who is named as an inventor in the patent application in question. I shall respond to you by 15 March 2008. In the meantime:

1. Please avoid filing any further petition to the USPTO to avoid misrepresentation of facts as happened previously.
2. Please copy me any petitions that you have already submitted to the USPTO concerning me.

Yours truly,

Dr. Igor Skryabin
76 Schlich St
Yarralumla
ACT 2600

I believe I have given a sufficient explanation as to why at the moment I cannot allow you (Davis Bujold & Daniels) to act on my behalf before the USPTO. If, however, you are prepared to move on in accordance with principles outlined in my email message of 5 March 2008, I will be prepared to reconsider this decision.

Yours sincerely,



Dr Igor Skryabin